

REMARKS

Claims 1-3 have been amended. No claims have been canceled or added. Accordingly, claims 1-3 are currently pending in the above-identified application.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority. Submitted herewith is a certified copy of the corresponding Japanese patent application (JP 2000-381160, filed December 15, 2000).

Information Disclosure Statement

On August 23, 2001, Applicants filed an Information Disclosure Statement. However, the Examiner has not returned an initialed copy of the PTO-1449 Form. Accordingly, Applicants request the Examiner initial and return a copy of the attached PTO-1449 Form to indicate that the documents have been considered.

35 U.S.C. §103(a)

Claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sakagami (U.S. Patent No. 4,785,407)

in view of Kopf-Sill (U.S. Patent No. 5,590,052). The rejections are traversed as follows.

The automatic chemical analyzer of the present invention is provided with functions to set the determination conditions for judging the presence or absence of contamination, to make automatic judgment of the combination of items involving contamination and to memorize the result of judgment of contamination. After the lapse of a certain period of time, the analyzer makes judgment on the presence or absence of contamination for combinations of the reagents and compares the result with those of previous judgments and when the results differ by more than a certain degree, the automatic chemical analyzer judges that the state of the apparatus has changed and this is indicated to the user. In this way, the occurrence of errors caused by contamination can be prevented.

As originally filed, the claims are not written in true Jepson format. To clarify that the claims are not Jepson-type claims, each claim has been amended to delete the clause "further characterized in that".

The Office Action relies upon Sakagami for disclosing an automatic chemical analyzer using cuvettes in which a degree of deterioration is detected for the cuvettes. That is, after a predetermined maximum number of times that a cuvette is used

or upon detection of a certain degree of deterioration, the used cuvette is removed from the cuvette wheel and replaced with a new cuvette. The degree of deterioration is determined by comparing an output signal of the colorimeter 26 with a tolerable threshold level. The cuvette is determined to be deteriorated when the threshold level has been exceeded. As recognized by the Examiner, Sakagami does not teach using a difference between a previous measurement and a current measurement as a condition for determining the condition of contamination of the cuvette.

Kopf-Sill describes error checking in a blood analyzer that includes determining the degradation of a reagent and a cuvette. This is achieved by comparing a currently measured value with a predetermined absorbance limit of contamination, and providing a warning when the measured value exceeds the limit. Further, as pointed out in the Office Action, light can be directed to a cuvette containing only diluent at the wavelength that is differentially absorbed by the diluent. The resulting signal is measured and compared with an expected value, and an error is indicated if the measured signal differs by a predetermined amount from the expected value.

Neither of the references relied upon in the rejection describe judging the presence or absence of contamination and

memorizing the result of the judgment. Further, neither describes comparing a currently determined judgment result with a previous judgment result to judge whether a state of the apparatus has changed, as claimed by Applicants. Specifically, the Office Action recognizes that Sakagami does not teach using a difference between a previous measurement and the current measurement as the condition for determining the contaminated condition. Further, Kopf-Sill does not teach memorizing the judgment on the presence or absence of contamination for combinations of the reagents in order that these memorized judgment results can be compared with previous judgments for judging that the state of the apparatus has changed. By the present invention, the state of the apparatus can be monitored to thereby prevent the occurrence of measurement errors. Accordingly, the combination of Sakagami and Kopf-Sill does not render the invention as claimed obvious under 35 U.S.C. §103(a) and the rejection should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

Respectfully submitted,



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on June 9, 2004, by John Mattingly